

**AFFIDAVIT AND ORDER AND NOTICE OF GARNISHMENT TO EMPLOYER –
SECTION A**

Case No. _____

NEW PHILADELPHIA MUNICIPAL COURT
166 East High Avenue
New Philadelphia, Ohio 44663
(330)343-6797
(330)364-6885 FAX

The State of Ohio
County of Tuscarawas, ss

_____, Judgment Creditor

vs.

_____, Judgment Debtor

Time Stamp

AFFIDAVIT

STATE OF OHIO, COUNTY OF TUSCARAWAS, ss:

The undersigned, first duly cautioned and sworn, deposes that I am the attorney/ Judgment Creditor herein, and that said Judgment Creditor on the _____ day of _____, 20_____, duly recovered a judgment in the New Philadelphia Municipal Court against the Judgment Debtor named above. I, the affiant, have good reason to believe and do believe that _____ is an employer of the judgment debtor having personal earnings of the same, nonexempt under R.C. 2329.66, that the written demand required by R.C. 2716.02 has been made, that the payment demanded has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings pursuant to R.C. 2716.02. I further have no knowledge of any application by Judgment Debtor for the appointment of a trustee so as to preclude garnishment, nor knowledge that the debt is the subject of a debt scheduling agreement of a nature precluding garnishment under R.C. 2716.03(B).

ATTORNEY FOR JUDGMENT CREDITOR

Sworn to and subscribed before me
this _____ day of _____, 20_____.

NOTARY PUBLIC

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

Employer: _____, Garnishee
Employer Address: _____

The judgment creditor in the above case has filed an affidavit, satisfactory to the undersigned, in this court stating that you may owe the judgment debtor money for personal earnings.

You are therefore ordered to complete the "ANSWER OF EMPLOYER (GARNISHEE)" in Section B of this form. Return one completed and signed copy of this form to the clerk of this court within five (5) business days after you receive this order of garnishment. Deliver one completed and signed copy of this form and the accompanying documents entitled "NOTICE TO THE JUDGMENT DEBTOR" and "REQUEST FOR HEARING" to the judgment debtor. Keep the other completed and signed copy of this form for your files.

The *total probable amount now due* on this judgment is: \$ _____.
The total probable amount now due includes the unpaid portion of the judgment in favor of the judgment creditor, which is: \$ _____;
Interest on that judgment and, if applicable, pre-judgment interest relative to that judgment at the rate of: _____%;
per annum payable until that judgment is satisfied in full;
Court costs in the amount of: \$ _____.

This order of garnishment of personal earnings is a continuous order that generally requires you to withhold a specified amount, calculated each pay period at the statutory percentage, of the judgment debtor's personal disposable earnings during each pay period, as determined in accordance with the "INTERIM REPORT AND ANSWER OF GARNISHEE," from the judgment debtor's personal disposable earnings during each pay period of the judgment debtor commencing with the first full pay period beginning after you receive the order until the judgment in favor of the judgment creditor and the associated court costs, judgment interest, and, if applicable, prejudgment interest awarded to the judgment creditor as described above have been paid in full. You generally must pay that specified amount, calculated each pay period at the statutory percentage, to the clerk of this court within thirty (30) days after the end of each pay period of the judgment debtor and must include with that specified amount calculated each pay period at the statutory percentage an "INTERIM REPORT AND ANSWER OF GARNISHEE" substantially in the form set forth in §2716.07 of the Ohio Revised Code. A copy of the "INTERIM REPORT AND ANSWER OF GARNISHEE" is attached to this order of garnishment of personal earnings, and you may photocopy it to use each time you pay the specified amount to the clerk of this court.

You are permitted to deduct a processing fee of up to three (3) dollars from the judgment debtor's personal disposable earnings for any pay period of the judgment debtor that an amount was withheld for that order (the processing fee is not a part of the court costs). You are not required to file with the court the "INTERIM REPORT AND ANSWER OF GARNISHEE" for any pay period of the judgment debtor for which an amount from the judgment debtor's personal disposable earnings during that pay period was not withheld for that order.

This order of garnishment of personal earnings generally will remain in effect until one of the following occurs:

- (1)The total probable amount due on the judgment as described above is paid in full as a result of your withholding of the specified amount, calculated each pay period at the statutory percentage, from the judgment debtor's personal disposable earnings during each pay period of the judgment debtor that commenced with the first full pay period beginning after you received the order.

- (2)The judgment creditor or the judgment creditor's attorney files with this court a written notice that the total probable amount due on the judgment as described above has been satisfied or the judgment creditor or the judgment creditor's attorney files a written request to terminate this order of garnishment and release you from the mandate of this order of garnishment.
- (3)A municipal or county court appoints a trustee for the judgment debtor and issues to you an order that stays this order of garnishment of personal earnings.
- (4)A federal bankruptcy court issues to you an order that stays this order of garnishment of personal earnings.
- (5)A municipal or county court or a court of common pleas issues to you another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor, and Ohio or federal law provides the other order with a higher priority than this order.
- (6)A municipal or county court or a court of common pleas issues to you another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor and does not have a higher priority than this order.
- (7)The judgment creditor or the judgment creditor's attorney files with this court a written request to terminate and release the order of garnishment, and as a result, the order of garnishment will cease to remain in effect.

Under any of the circumstances listed above, you are required to file with this court a “FINAL REPORT AND ANSWER OF GARNISHEE” substantially in the form set forth in §2716.08 of the Ohio Revised Code. A copy of the “FINAL REPORT AND ANSWER OF GARNISHEE” is attached to this order of garnishment of personal earnings. Under the circumstances listed in (5) and (6) above, you must cease processing this order of garnishment after the expiration of the full pay period within which the one hundred eighty-second (182) day after you began processing it falls.

Special stacking, priority of payment, and manner of payment rules apply when a garnishee receives multiple orders of garnishment with respect to the same judgment debtor. These rules are set forth in §2716.041 of the Ohio Revised Code. An employer guide to processing continuous orders of garnishment is included with this order of garnishment. You should become familiar with these rules.

Witness my hand and the seal of this court this _____ day of _____, 20_____.

 Judge, New Philadelphia Municipal Court

